

The Heads of Courts have been "captured" by the Executive

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The shoddy recruitment process, and of course the reality of "the impoverishment of the Judges and the Judiciary", constitute the real existential threat to the Rule of Law in Nigeria. The Heads of Courts (most of them) have been "captured" by the Executive to do their bidding in the recruitment exercise. Until the Capital and Recurrent expenditures of the Judiciary are expressly made a charge on the Consolidated Revenue Funds of both the Federation and of the States, the Chief Executives and the Heads of Court at both Federal and States will not stop the unholy trade by batter in the shoddy recruitment process. The Executive have now found that planting their candidates on the State Judicial Service Commission (SJSC), Federal Judicial Service Commission (FJSC) and National Judicial Council (NJC) through the Heads of Court is now a guarantee "for winning elections" vides the Judiciary. Heads of Court nominate members of these very important recruitment agencies for the Executive to "appoint". Curtailing the enormous powers of the Heads of Court will ensure healthy recruitment process. The Head of Court is, after all, "primus inters peres." Let the Judges themselves elect one among themselves for a term who is the most suitable and capable administrator and manager of available personnel and resources. The present practice of appointment of Head of Court on the basis only of

gerontology needs to be reformed radically. These days senior Judges, in order to curry favour of the Executive as potential Head of Court, do most despicable things for the Executive; including appearing to be "bag boys" and intellectual thugs on the Bench of the Executive. Recruitment on the basis only of seniority, in addition to the constitutional requirements, particularly to the appellate courts, which now is becoming the norm at FJSC and NJC, must be jettisoned. Productivity, integrity and learning, not gerontology, should be the determinant. While poverty may influence corruption; poverty per se does not deny integrity. Mahart Ghandi and Mother Teresa, though poor, had integrity and value for truth. Psychology of corruption is rooted more in avarice than in poverty. The nova riche are in most cases, more avaricious and corrupt than the poor. The most corrupt Judges are, in most times, from the middle and upper class. In recruitment process: emphasis should be on evidence of contentment and track record of fighting the cause of justice and the Rule of Law. It is time appellate courts were diversified. At present most appellate Judges have establishment backgrounds, starting and retaining their law career either as State Counsel or Magistrates. Let's diversify to enrich the jurisprudence, as is the case in India, Canada etc. [Culled from Law and Society Magazine]